

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Suede G. Kelly.

Entergy Services, Inc.

Docket No. ER06-1016-000

ORDER ACCEPTING FILING

(Issued July 14, 2006)

1. In this order, the Commission accepts for filing the amended Power Coordination, Interchange and Transmission Service Agreement (Agreement) between Entergy Arkansas, Inc. (Entergy Arkansas) and Arkansas Electric Cooperative Corporation (Arkansas Cooperative), effective May 1, 2006, as requested.

Background

2. On May 18, 2006, Entergy Services, Inc. (Entergy), acting as agent for Entergy Arkansas, filed amendments to Exhibits A and F of Appendix A of the Agreement to update the points of delivery under the Agreement. Entergy requests a waiver of the 60-day notice requirement in order to make the filing effective May 1, 2006.

Notice of Filing and Responsive Pleadings

3. Notice of Entergy's filing was published in the *Federal Register*, 71 Fed. Reg. 32,066 (2006), with interventions and protests due on or before June 8, 2006. On June 8, 2006, Arkansas Cooperative filed a motion to intervene and protest. On June 23, 2006, Entergy filed an answer. On July 10, 2006, Arkansas Cooperative filed an answer to Entergy's answer.

4. Arkansas Cooperative states that it has no objection to Entergy's proposed amendments and supports Entergy's request for a May 1, 2006 effective date. It states that the amendments update the information about the service characteristics of the delivery points used by Arkansas Cooperative and its member cooperatives.

5. However, Arkansas Cooperative argues that the Commission should do more in this proceeding than simply accept the proposed amendments for filing. Arkansas Cooperative alleges that Entergy Arkansas has abused the updating process by imposing arbitrary restrictions on Arkansas Cooperative's ability to qualify new resources for recognition in Exhibit A (Points of Delivery) and Exhibit B (Points of Receipt). According to Arkansas Cooperative, Entergy Arkansas refuses to permit Arkansas Cooperative to add Arkansas Cooperative's newly acquired Wrightsville Generating Station (Wrightsville) to its list of generating resources until Arkansas Cooperative accepts Entergy Arkansas's position on a separate issue of Agreement interpretation that is currently pending before the Commission in Docket No. EL05-15-000.¹

6. Arkansas Cooperative requests that the Commission condition its acceptance of the proposed amendments with a requirement that Entergy Arkansas promptly amend the Exhibit A filing to include Wrightsville as a point of delivery and file an amended Exhibit B to include Wrightsville among Arkansas Cooperative's generating resources.

7. In its answer, Entergy notes that Arkansas Cooperative has not protested the filing, but rather, has raised issues that are unrelated to the filing and that can be considered properly only in a separate complaint proceeding. Entergy also asserts that Arkansas Cooperative has not met the requirements in the Agreement for Wrightsville to be included as an Arkansas Cooperative generating resource under the Agreement and to amend the Agreement to include Wrightsville as such.

Discussion

Procedural Matters

8. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2005), the timely, unopposed motion to intervene serves to make Arkansas Cooperative a party to this proceeding.

¹ Docket No. EL05-15-000 is a complaint filed by Arkansas Cooperative against Entergy Arkansas alleging that Entergy Arkansas has unilaterally changed the method of classifying and pricing energy under the Agreement without making a filing with the Commission. The Commission established hearing and settlement judge procedures to address the issues raised in the complaint. *Arkansas Electric Cooperative Corp. v. Entergy Arkansas, Inc.*, 109 FERC ¶ 61,327 (2004).

9. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2005), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We are not persuaded to accept Entergy's or Arkansas Cooperative's answers and will, therefore, reject them.

Analysis

10. We find the proposed amendments to the Agreement to be just and reasonable and accept Entergy's filing. We also deny Arkansas Cooperative's request that we condition our acceptance of this filing on Entergy filing a further amendment to the Agreement to include the Wrightsville facility, as it is beyond the scope of this proceeding. The appropriate course of action is for the Arkansas Cooperative to file a complaint to raise this issue.² This procedure provides all interested parties notice that a complaint has been filed, and provides them an opportunity to respond.

11. We find good cause exists to grant Entergy's request for waiver of the 60-day notice requirement to permit an effective date of May 1, 2006, as requested.³

The Commission orders:

(A) The amended Agreement between Entergy Arkansas and Arkansas Cooperative is hereby accepted for filing.

(B) Waiver of the 60-day prior notice requirement is granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.

² *Louisiana Power & Light Co.*, 50 FERC ¶ 61,040 (1990).

³ *Central Hudson Gas & Electric Corp.*, 60 FERC ¶ 61,106, *reh'g denied*, 61 FERC ¶ 61,089 (1992).